

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION.

MDL Docket No. 1332

Hon. J. Frederick Motz

This Document relates to:

Burst.com, Inc. v.
Microsoft Corp.,

Civil Action No JFM-02-cv-2952

**BURST'S REPLY TO MICROSOFT'S MEMORANDUM IN OPPOSITION TO
BURST'S MOTION TO SHORTEN TIME**

Microsoft has a point. This is an important motion and Microsoft deserves a fair time to respond. Given that two of the Microsoft lawyers are working with Mr. Gates for two days this week, Burst proposes the following compromise:

- That Microsoft's opposition brief be due Friday, September 3, 2004, which is eight days after the Gates deposition concludes and more than two weeks after Microsoft first received the brief.
- Burst will prepare its reply over the Labor Day weekend and file it promptly on Tuesday morning, September 7, 2004.

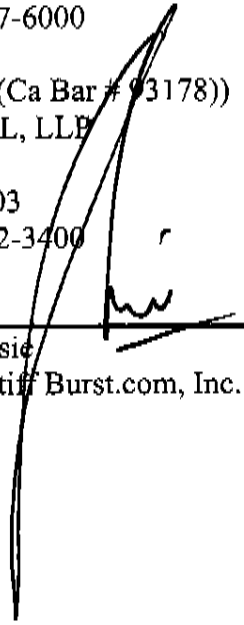
This is a matter of some urgency, given the close of discovery, and Mr. Burt's pending deposition. And without arguing the merits here, Burst has not been dilatory. This last brief just reflects the latest step in a laborious unpeeling of the e-mail destruction onion.

Finally, it is not clear from Microsoft papers whether it opposes unsealing as to its e-mails or not. Under the protective order, it has the affirmative obligation of proving that confidential status is appropriate. It is not.

DATED: August 25, 2004

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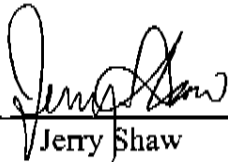
PROOF OF SERVICE

I am employed in the State of California, County of San Francisco. I am over 18 years of age and am not party to the within action. My business address is One Market, Spear Tower, Suite 2200, San Francisco, California 94105.

On August 25, 2004, I served BURST'S REPLY TO MICROSOFT'S MEMORANDUM IN OPPOSITION TO BURST.COM, INC.'S MOTION TO SHORTEN TIME upon counsel named below as indicated:

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Executed this 25th day of August, 2004.



Jerry Shaw